

NAKAJIMA -- 09/630,563
Client/Matter: 007874-0271791

REMARKS

Claims 2, 4, 12-19 and 36-94 are pending. By this Amendment, claims 1, 3, 5-11 and 20-35 are canceled without prejudice or disclaimer; claims 2, 4 and 12-19 are amended; and claims 36-94 are added. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Independent claims 1, 3, 20 and 27-25, and dependent claims 5-11 and 21-26 have been canceled without prejudice or disclaimer, thus rendering moot their rejection. Dependent claims 2, 4 and 12-19 have been amended to depend properly from new claims.

In accordance with 37 C.F.R. § 1.111, Applicant provides the following remarks regarding the parentability of new claims 36-94 with respect to Payne (U.S. Patent 5,715,314, and including its incorporation by reference of Gifford (U.S. Patent 5,724,424)), Mobile Commerce (U and V), Beck et al. (U.S. Patent 6,332,154), and Meyers (WW).

Applicant provides, by way of example, the following discussion of the invention to assist in advancement of the prosecution of the application.

With respect to claims 36-75, the synchronizing server, or processing unit/module, sets up link information including the transaction ID information in association with the virtual register and transmits the link information to the paying terminal upon receipt by the synchronizing server, or processing unit/module, of the information regarding the transaction transmitted by the paying terminal. The user of the paying terminal then confirms whether the link information is proper, i.e., whether the transaction is the desired one. The synchronizing server then establishes a synchronization of communication between the paying terminal and the virtual register one-to-one upon receipt of both the same transaction ID information as a signal in response to the link information from the paying terminal. Accordingly, the settlement of the transaction between the payment terminal and the virtual register can be conducted safely and easily because the user of the paying terminal can confirm the settlement for him/herself.

Moreover, the synchronizing server, or processing unit/module, uses both the transaction ID information and the link information to confirm whether the synchronization should be established or not. Therefore, when using a cell phone, for example, as the virtual register, there is no need to use an additional authentication method or device, such as encryption software or other verifying methods or devices.

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With respect to claims 76-94, the claims recite an actual register instead of a virtual register. However, the discussion above is equally applicable to claims 76-94.

As discussed in previous responses, Mobile Commerce (U) discloses that one of Cellnet's services allows customers who have a Barclay credit card to obtain statement and other information on the phone's screen. As acknowledged further in the article, this is just pushing information to the user. There is no disclosure or suggestion that this service permits the user's phone to act as a paying terminal allowing a user to input information.

As also discussed in previous responses, Mobile Commerce (U) further discloses that German software company Brokat provides an X-SMS banking service that, as of April, 1998, permitted customers to authorize secure payments and transfers to other accounts, pay bills or check balances by keying in a PIN on their cell phone as confirmation, or by use of electronic signatures stored in SIM2 cards. However, there is no disclosure or suggestion of setting up link information including a transaction ID information, and/or synchronizing a communication between the paying terminal and a virtual or actual register. A PIN is not a transaction identifying number relating to a transaction. An electronic signature is also not a transaction identifying number relating to a transaction.

Mobile Commerce (V) is nothing more than a discussion of the possible applications of smart cards and does not cure either deficiency of Mobile Commerce (U) discussed above.

Mobile Commerce (U and V) merely mentions the possible applications of cellular phones and smart cards to an electronic commerce system, but does not disclose how to achieve such a system. In other words, Mobile Commerce (U and V) does not enable the claimed invention, nor does it provide a reasonable expectation of success when combined with the remaining applied prior art references. See MPEP §§ 2121.01 and 2143.02.

Payne et al. disclose a buyer computer 12, a payment computer 16 and a merchant computer 14. However, Payne et al. merely disclose that the buyer computer 12 communicates with the payment computer, see for example steps 24-90 of Figs. 2A-21, and then the buyer computer 12 communicates with the merchant computer 14. However, the payment computer 16 of Payne et al. does not synchronize a communication between the buyer computer 12 and the merchant computer 14. Accordingly, Payne et al. also do not enable the claimed invention. In addition, even assuming it would have been obvious to combine Mobile Commerce (U and V) with Payne et al., such a combination would not disclose or suggest all of the claim limitations and would not present a *prima facie* case of obviousness. See MPEP § 2143.

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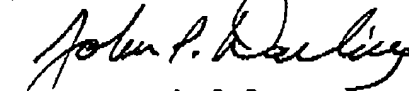
It is respectfully submitted that the remaining applied prior art references, Beck et al. and Meyers fail to cure the deficiencies of each of Mobile Commerce (U and V) and Payne et al., and the combination thereof, and that even assuming it would have been obvious to combine the references, such a combination would not result in the claimed invention.

In view of the above amendments and remarks, Applicant respectfully submits that all the claims are allowable and that the entire application is in condition for allowance

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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